

2002 ANNUAL REPORT

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Cuts to Local Substance Abuse Enforcement Jeopardizes Everyone's Safety

When the Utah Legislature eliminated the beer tax allocation for local communities during its July 2002 special session, programs that were funded with the taxes were essentially eliminated.

With limited means to fund local enforcement and prevention efforts, local residents are likely to see an increase in drug and alcohol-related crimes.

Since 1984, communities have been using the funds for DUI saturation patrols, sobriety checkpoints, compliance checks of sales of alcohol to minors, hiring of police officers to work exclusively DUI enforce-

ment, and DARE officers for schools. Funds have also been used for school event patrols, prevention programs and treatment services.

In 1983, the Legislature voted to increase the beer tax from \$4.12 to \$11.00 per 31 gallon barrel, with the intent that up to \$4.35 million would be used for local enforcement and prevention efforts. Since 1987, however, the local allocation has steadily declined even though beer tax revenue has continued to increase. In 2002 the state collected a record \$10.6 million in revenue.

Prior to this year's elimination, local communities received \$1.5 million. Although the Legislature has identified the cut as "one time" restoration of the fund depends on an appropriation by the Legislature.

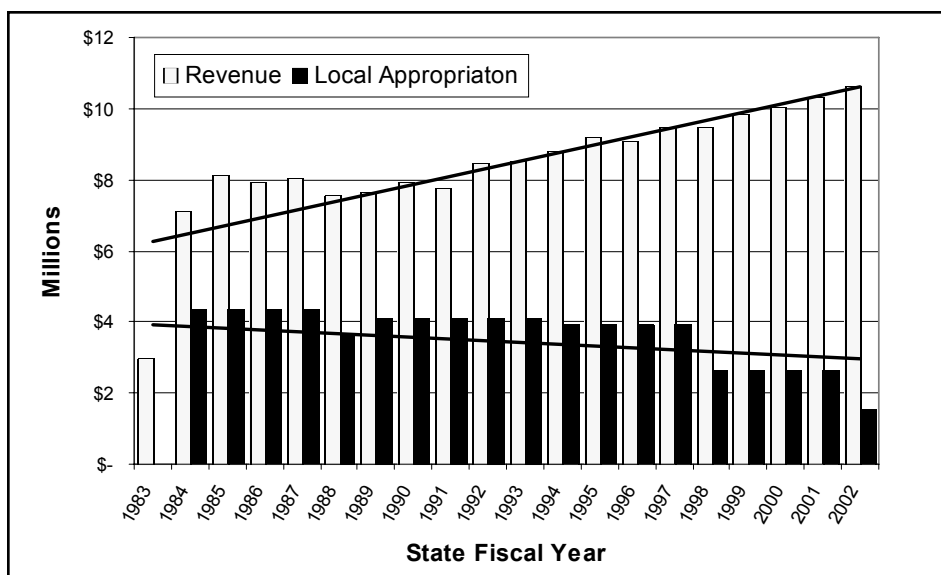
The Mission of the Utah Substance Abuse and Anti-Violence Coordinating Council is to provide a unified voice for the establishment of a comprehensive strategy to combat substance abuse, illegal drug activity, and violence.

Proposed Forfeiture Amendments Correct Unintended Problems with Initiative B

The expectation that drug dealers' forfeited assets would help fund the education of Utah's school children never materialized as was promised by the passage of Initiative B: Property Protection Act of 2000. The Initiative, supported by almost 70% of voters, instead resulted in a convoluted forfeiture law, of which a portion was deemed unconstitutional.

To correct some of the unintended consequences of Initiative B, USAAV formed a Forfeiture Working Group to study the issue and bring forth recommendations. The result is the drafted Property Forfeiture Amendments bill that was supported by the Law Enforcement and Criminal (Continued)

Beer Tax Revenue versus Appropriations



Legislative Priorities for 2003 Session

1. HB 32 Vehicle Impound Fee for DUI Cases
2. SB 7 Automobile Homicide Amendments
3. SB 13 DUI Plea Restrictions
4. SB __ Forfeiture Amendments

Justice Interim Committee at their November 2002 meeting.

The proposed bill preserves the key property owner protections outlined in Initiative B, and would expand those rights to include property interest holders. The bill also streamlines the forfeiture process, clarifies agency procedures, and reduces the time to file a forfeiture action from 90 days to 60 days.

Other proposed changes include:

- Allows Utah to once again participate in federal equitable sharing of forfeiture proceeds, restoring more than \$3.3 million in previously lost federal proceeds.
- Reestablishes the State Law Enforcement Forfeiture Account that was eliminated, leaving approximately \$180,000 in limbo.
- Establishes a formula for sharing forfeiture proceeds and requires law enforcement to establish and follow forfeiture procedures.
- Non-drug related forfeitures are shared 50% with the local political subdivision and 50% with the Uniform School Fund.
- Proceeds from drug-related forfeitures are shared 50% with the local political subdivision and 50% in the Substance Abuse Forfeiture Restricted Account for drug courts.

Without changes to Utah's forfeiture law, drug dealers, white collar criminals and others will continue to enjoy illegally obtained material assets with few consequences.

New USAAV Director and Reorganization

During 2002, USAAV underwent several organizational changes, including the appointment of a new USAAV Director and the elimination in statute of its five subcommittees.

Susan Burke, who has been with the Utah Commission on Criminal and Juvenile Justice since 1994, was appointed as the new USAAV Director in October. She replaced Marvin Dodge who resigned to accept a position with the Governor's Office of Planning and Budgets.

The elimination of the subcommittees gave USAAV the flexibility to form and disband committees and working groups as

Can Intermediate Sanctions for Drug Offenders Prevent Revolving Prison Doors?

According to the Utah Department of Corrections, approximately 80% of prisoners have a substance abuse related problem. Unfortunately, offender treatment services are limited and costly. As a result, many offenders will often return to prison shortly after release due to criminal behavior related to substance abuse.

During 2003, USAAV will be studying the issue of intermediate sanctions for drug offenders, including considering the impact to public safety of diverting non-violent first-time drug offenders to community-based treatment programs. One such diversion program, Drug Courts, has already been proven effective.

As part of this study, USAAV will consider diversion programs that states such as Arizona, California and Hawaii have implemented. Some proponents of such programs say they effectively slow the revolving door of prison and help offenders once and for all deal with their addiction.

needed to accomplish the USAAV mission. By the fall of 2002, four new committees had been formed with specific directives.

Substance Abuse Services Committee

Co-chaired by Harold Morrill and Verne Larsen, this committee is charged with studying the issue of treatment for first and second-time, non-violent drug offenders. This committee also considers substance abuse prevention and treatment needs, identifying gaps in services and promoting best practices.

Criminal Justice Committee

Kirk Torgensen from the Utah Attorney General's Office chairs this committee. Members oversee implementation of the Utah Club Drug Summit recommendations and work to identify improvements to substance abuse and anti-violence policy and legislation as they relate to the criminal justice field.

DUI Committee

Co-chaired by Anna Kay Waddoups and Mary Lou Emerson, this committee is charged with tracking the implementation of the recommendations made by Governor's Council on DUI, which was sunsetted in 2002. The Committee also considers national and local DUI policy, research and programs in formulating DUI recommendations to the USAAV Council.

Anti-Violence Committee

USAAV's newest committee is co-chaired by Sherm and Karen Watkins. Its focus is crime prevention activities and members oversee the awarding and monitoring of gang and crime prevention grants.

Former USAAV Chairman Leon PoVey Leaves a Great Legacy

USAAV and the State of Utah lost a great man and an exceptional leader when Leon PoVey passed away unexpectedly on December 6, 2002.

Leon was elected chairman of the USAAV Council March 2001. Many remember Leon as the former Director of the Utah Division of Substance Abuse where he established some of the first substance abuse prevention programs in the state of Utah. Leon's influence, guidance and wonderful sense of humor will be missed.

USAAV Council Members

William Afeaki	Verne C. Larsen
Randall Bachman	Rep. Ty McCartney
Daniel Becker	Ed McConkie
Sen. Chris Butters	Dr. Richard Melton
Louis Callister	Harold L. Morrill
Com. Camille Cain	Mayor JoAnn Seghini
Col. Merrill R. Carter	Kirk Torgensen
Mike Findeis	Anna Kay Waddoups
Blake Chard	Sherm Watkins
Scott Duncan	Ned Searle



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